



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

Street Closing Report



Meeting Date: August 18, 2014

Reference Name	Street Closing – A request to close 7,035 square feet of Belmont Drive (SC1400008)	Jurisdiction	City
Request	To conduct a public hearing to consider the permanent closing of 7,035 square feet of Belmont Drive.		
Applicant	Mike Tarrant, Stewart Inc.	Submittal Date	March 11, 2014
Location	North of Independence Avenue, south of Mansfield Avenue		
Recommendation	Approve permanent closing of the public right-of-way.		

A. Summary

Mike Tarrant, Stewart Inc. proposes to close a total of 7,035 square feet of Belmont Drive. The area to be closed is comprised of two separate portions of Belmont Drive. (Attachment 4, 'Road Closing Area #1' and 'Road Closing Area #2 & #3'). The right-of-way is currently open and the portion requested to be closed is bordered by both the applicant's property and property owned by Janie Johnson.

Through this request, the applicant is asking for these two separate portions of Belmont Drive to be closed. In addition to the closing, the applicant is proposing to dedicate right-of-way to the remaining open portions of the street so as to construct a public cul-de-sac, as seen on the applicant's street closing plat (Attachment 4, 'Dedication Area #1').

As noted on the approved site plan (Case D1300271, Attachment 6), the applicant proposes to use the cul-de-sac to provide access to three (3) single family lots which are a part of their overall "Hope Crossing II" development. This project has an approved rezoning request with a Development Plan (Attachment 5). Within this development, the applicant proposes to construct 105 residential units on properties adjacent to the proposed closing (Case D1300271, Attachment 6).

B. Area Characteristics

The area surrounding the right-of-way is zoned Residential Suburban-8 (RS-8) and Planned Development Residential 6.000 (PDR 6.000). The portion of this

street requested for closure is located within the Suburban Tier. The subject site is located to the north of Independence Avenue and south of Mansfield Avenue.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
North	Residential	RS-8	F/J-B
South	Residential	RS-8	F/J-B
East	Residential	PDR 6.000	F/J-B
West	Residential	RS-8	F/J-B

C. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

D. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

E. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

Service Agency Comments		
Service Agency	Comments	How Addressed
NCDOT	No impact	n/a
County - Engineering	No impact	n/a
County - Fire Marshall	No impact	n/a
Durham County Sherriff	No impact	n/a
Emergency Medical Services	No impact	n/a
911	No impact	n/a
Durham Public Schools	No impact	n/a
City - Transportation	No impact	n/a
City - Engineering	No impact	n/a
City - Fire Department	No impact	n/a
City – Parks and Recreation	No impact	n/a

Service Agency Comments		
City – Solid Waste	No impact	n/a
City – Inspections	No impact	n/a
City – General Services	No impact	n/a
Police Department	No impact	n/a
Duke Energy	No impact	n/a
PSNC	No impact	n/a
Frontier	No impact	n/a
Tax Assessor Office	No impact	n/a
Address Coordinator, GIS	No impact	n/a

F. Staff Analysis

The area adjacent to the right-of-way is zoned RS-8 and PDR 6.000 and is located within the Suburban Tier. The proposed street closing plat (Attachment 4) indicates that the requested right-of-way will be recombined with the adjacent properties and right-of-way will be dedicated for a cul-de-sac. Staff finds this portion of Belmont Drive to have little, if any, value to the public at-large and recommends approval of the street closing.

G. Recommendation

Approve the permanent closing of 7,035 square feet of public right-of-way.

H. Staff Contact

Jacob Wiggins, Planner, 919.560.4137 ext. 28257 jacob.wiggins@durhamnc.gov

I. Attachments

1. Context Map
2. Aerial Map
3. Street Closing Application
4. SC1400008 – Street Closing Plat Reduction
5. Z1300011 – Development Plan
6. D1300271 – Site Plan Sheet L 1.00 Reduction
7. Street Closing Order